

## Public Statement

### **The Law Society of Upper Canada Expresses Grave Concerns about the Arrest, Trial and Sentencing of Chinese Human Rights Lawyer Xu Zhiyong**

**Toronto** – The Law Society of Upper Canada is gravely concerned about the arrest, trial and sentencing of Xu Zhiyong to four years in prison.

Xu Zhiyong is a prominent legal scholar and human rights lawyer who has spoken out on issues concerning justice, the rule of law and government corruption. He was arrested and tried on criminal charges of “gathering crowds to disrupt public order”. The charges related to a small scale peaceful street protest by members of the New Citizens’ Movement who were calling for educational equality and for government officials to declare their assets.

During Xu Zhiyong’s trial, the court denied his defence counsel the right to call 68 defence witnesses and barred them from appearing on his behalf. The court also refused to summon prosecution witnesses in order to prevent Xu Zhiyong’s defence counsel and the presiding judges from questioning them. Additionally, Xu Zhiyong was tried separately from his colleagues who were being prosecuted for the same offence. This contravened the Chinese *Criminal Procedure Law* requirement that persons charged with the same offence be tried jointly. This also ensured that none of Xu Zhiyong’s colleagues could support his case through their participation. The court also cut off Xu Zhiyong during his closing statement when he called for democracy, the rule of law, freedom, justice and love and ended his hearing.

Diplomats were barred from attending the trial and police and plainclothes officers harassed the journalists outside of the courthouse. Xu Zhiyong’s case was the highest profile case of its kind since a Beijing court convicted the writer and dissident Liu Xiaobo. Human rights lawyers in China frequently report threats, physical violence and unfair trials. These irregularities during Xu Zhiyong’s trial raise questions regarding the fairness and due process of his trial.

The Law Society is deeply concerned about situations where lawyers who work for the protection and respect of human rights are themselves targeted for exercising their freedoms and rights under international law. International human rights instruments, including the *Universal Declaration of Human Rights* and the *International Covenant on Civil and Political Rights* state that respect for human rights is essential to advancing the rule of law. Article 16 of the *United Nations Basic Principles on the Role of Lawyers* states “governments shall ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; are able

to travel and to consult with their clients freely; and shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.” Article 18 states “lawyers shall not be identified with their clients or their clients’ causes as a result of discharging their functions”.

The Law Society urges the government of China to,

- a) Guarantee all the procedural rights that should be accorded to Xu Zhiyong and other human rights defenders in China;
- b) guarantee in all circumstances the physical and psychological integrity of Xu Zhiyong;
- c) put an end to all acts of harassment and intimidation against Xu Zhiyong and other human rights defenders in China;
- d) ensure that all lawyers can carry out their peaceful and legitimate activities without fear of physical violence or other human rights violations; and
- e) ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

*The Law Society of Upper Canada is the governing body for 46,200 lawyers and 6,000 paralegals in the Province of Ontario, Canada and the Treasurer is the head of the Law Society. The mandate of the Law Society is to govern the legal profession in the public interest by upholding the independence, integrity and honour of the legal profession for the purpose of advancing the cause of justice and the rule of law.*

*The Law Society urges the legal community to intervene in support of members of the legal profession in their effort to advance the respect of human rights and to promote the rule of law.*

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